

SEWARD & KISSEL LLP

ONE BATTERY PARK PLAZA
NEW YORK, NEW YORK 10004

BRUCE G. PAULSEN
(212) 574-1533
paulsen@sewkis.com

TELEPHONE: (212) 574-1200
FACSIMILE: (212) 480-8421
WWW.SEWKIS.COM

901 K STREET, N.W.
WASHINGTON, DC 20001
TELEPHONE: (202) 737-8833
FACSIMILE: (202) 737-5184

MEMO ENDORSED

October 1, 2020

VIA ECF

Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: O.W. Bunker-Related Interpleader Actions

Dear Judge Caproni:

We write on behalf of ING Bank N.V., as Security Agent (“ING”), together with counsel for the parties to the cases listed below, further to the Court’s August 21, 2020 order to provide a further update on several OWB-related matters.

1. *Modion Maritime Mgmt. SA v. O.W. Bunker Malta Ltd. et al.*, No. 15 Civ. 8084
2. *Western Bulk Carriers AS v. O.W. Bunker & Trading A/S et al.*, No. 15 Civ. 8304
3. *Minerva Marine Inc. v. O.W. Bunker Malta Ltd.*, No. 15 Civ. 8724
4. *NYK Trading Corp. v. O.W. Bunker & Trading A/S, et al.*, No. 16 Civ. 674
5. *Fujian Ocean Shipping Co. v. O.W. Bunker Far East (S) PTE Ltd., et al.*, No. 16. Civ. 401

As the Court is aware, on September 28, 2020, ING moved to lift the injunctions in the above-referenced cases (the “Injunction Motions”), and briefing is scheduled to be complete no later than October 21.

Although the parties to these cases have been in dialogue over the last few months including with respect to settlement, because of the near-term limitations issues, ING’s position is that resolution of the Injunction Motions is necessary in the first instance. In view of this, the parties request that they be given fourteen days following the Court’s resolution of the Injunction Motions to provide a further update to the Court as to the status of these cases.

Hon. Valerie E. Caproni
October 1, 2020
Page 2

6. *Birch Shipping Ltd. v. O.W. Bunker China Ltd. (HK) et al.*, No. 14 Civ. 9282

As noted in ING's August 21, 2020 letter, ING has spoken with counsel for the physical supplier in the *Birch Shipping* matter to obtain their client's position. ING respectfully requests that the Court schedule a conference for this matter to determine how best to proceed.

7. *Hapag-Lloyd Aktiengesellschaft v. O'Rourke Marine Servs. L.P. et al.*, 14 Civ. 10027

ING has spoken with counsel for the vessel interest in the *Hapag-Lloyd* case, and has reached out to counsel for the physical supplier. Counsel for the physical supplier (O'Rourke) responds that counsel is receiving instructions from his client. As such, the parties respectfully request that they be given until October 22, 2020, to provide a further update to the Court.

8. *Canpotex Shipping Servs. Ltd. et al. v. OW Bunkers (UK) Ltd., et al.*, 15 Civ. 1351

The parties to the *Canpotex* matter have had several discussions, including concerning a potential settlement and about how best to move this matter forward, and expect to continue those discussions in the coming weeks. As such, the parties respectfully request that they be given until October 30, 2020, to provide a further update to the Court.

We thank the Court for its attention to these matters.

Respectfully submitted,



Bruce G. Paulsen

15-CV-8084; 15-CV-8304; 15-CV-8724; 16-CV-674; 16-CV-401

Given the pending motion to lift the preliminary injunction, the Court hereby adjourns case status updates in these five cases sine die.

14-CV-10027; 15-CV-1351

A further update in these two cases is due no later than **Monday, November 2, 2020**. The report should include an update on any prospective settlement in these two matters.

14-CV-9282

A telephonic status conference is hereby scheduled for **Friday, October 16, 2020, at 3:00 P.M.** The parties are directed to file a joint letter of no more than five pages by no later than **Tuesday, October 13, 2020**, providing a description of the current dispute and the prospect for settlement.

All parties and any interested members of the public must attend by dialing 1-888-363-4749, using the access code 3121171, and the security code 9282. All attendees are advised to mute their phones when not speaking and to self-identify each time they speak.

SO ORDERED.



Date: October 5, 2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE